



7-15-04

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1692

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Philip Lane Docket No.: 39749-0001APC
Serial No.: 09/403,440 Group Art Unit: 1642
Filing Date: January 19, 2000 Examiner: Davis, Minh Tam B.
For: **MATERIALS AND METHODS RELATING TO INHIBITING THE
INTERACTION OF p53 and mdm2**

JPW

EXPRESS MAIL LABEL NO. EL 993 688 743 US

Date Mailed: July 14, 2004

NOTICE OF APPEAL

Mail Stop AF

Commissioner for Patent
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated January 15, 2004 of the Primary Examiner finally rejecting Claims 1-4 and 11. The item(s) marked below are appropriate:

☒ **Filing Fee:**

☒ \$330.00 (large entity)

☒ **Time Extension Fee (if applicable):**

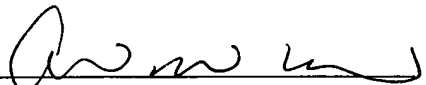
- ☐ one month (\$110/55 large/small entity)
☐ two months (\$420/210 large/small entity)
☐ three months (\$950/475 large/small entity)

☒ The Commissioner is authorized to charge filing fee, additional fees or credit overpayment to Deposit Account No. **08-1641 (39749-0001APC)**.

07/20/2004 KBETEMAI 00000003 081641 09403440

01 FC:1401 330.00 DA

Date: July 14, 2004

By: 
Ginger R. Dreger, Reg. No. 33,055

HELLER EHRMAN WHITE & McAULIFFE LLP
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Please type and thus sign (+) inside this box ☐

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/403,440
Filing Date	January 19, 2000
First Named Inventor	David Philip Lane
Group/Art Unit	1642
Examiner Name	Davis, Minh Tam B.

Total Number of Pages in This Submission

3

Attorney Docket Number

39749-0001APC

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> FEE TRANSMITTAL FORM
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment / Response
<input type="checkbox"/> After Final
<input type="checkbox"/> Version With Markings Showing Changes
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of time request
<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53
<input type="checkbox"/> Copy of Notice | <input type="checkbox"/> Copy of an Assignment
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<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>)
<input checked="" type="checkbox"/> NOTICE OF APPEAL
<input type="checkbox"/> Additional Enclosure(s) (<i>please identify below</i>):
<input checked="" type="checkbox"/> STAMPED RETURN POSTCARD |
|--|---|--|

Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39749-0001APC.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRMAN WHITE & McAULIFFE LLP	GINGER R. DREGER, ESQ. (Reg. No. 33,055)
	275 Middlefield Road, Menlo Park, California 94025	Telephone: (650) 324-7000 Facsimile: (650) 324-0638
Signature		
Date	July 14, 2004	Customer Number: 25213

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP AF**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: July 14, 2004.

Express Mail Label **EL 993 688 743 US**

Typed or printed name **Cheryl Rogers**

Signature

Date

July 14, 2004

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**FREE TRANSMITTAL
for FY 2004**

Effective 01/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 330.00)

Complete if Known

Application Number	09/403,440
Filing Date	January 19, 2000
First Named Inventor	David Philip Lane
Examiner Name	Davis, Minh Tam B.
Art Unit	1642
Attorney Docket No.	39749-0001APC

METHOD OF PAYMENT (check one)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 08-1641 (Docket No. 39749-0001APC)

Deposit Account Name Heller Ehrman White & McAuliffe LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	x	=
Multiple Dependent	-3** =	x	=

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	330.00
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 330.00)

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	GINGER R. DREGER, ESQ.	Registration No. (Attorney/Agent)	33,055	Telephone	650-324-7000
Signature		Date	January 14, 2004	Customer No.	25213

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop 1, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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